

1 KEVIN R. STOLWORTHY, ESQ.
2 Nevada Bar No. 2798
3 MICHELLE D. ALARIE, ESQ.
4 Nevada Bar No. 11894
5 ARMSTRONG TEASDALE LLP
6 3770 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
Telephone: (702) 678-5070
Facsimile: (702) 878-9995
kstolworthy@atllp.com
malarie@atllp.com

7 *Attorneys for Plaintiffs/Counter-claimants Sportsman's Royal Manor, LLC and Gary Brennan*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 RSUI INDEMNITY COMPANY, a New
11 Hampshire Stock Company; and EVANSTON
12 INSURANCE COMPANY, an Illinois corporation

13 Plaintiffs,

14 vs.
15 SPORTSMAN'S ROYAL MANOR, LLC, a
Nevada Limited Liability Company; DOMONIQUE
16 BROWNING-PALMER, individually; GARY
BRENNAN, individually;

17 Defendants.

18

19 SPORTSMAN'S ROYAL MANOR, LLC; GARY
BRENNAN;

20 Counter-claimants,

21 vs.

22 RSUI INDEMNITY COMPANY; EVANSTON
INSURANCE COMPANY; KAERCHER
23 CAMPBELL & ASSOCIATES INSURANCE
BROKERAGE OF NEVADA, LLC; KAERCHER
24 INSURANCE, AN ALERA GROUP AGENCY,
LLC; and DOE DEFENDANTS 1-10; ROE
25 DEFENDANTS 11-20;

26 Counter-defendants.

27 Case No.: 2:20-cv-01484-RFB-VCF

28 **STIPULATION AND PROPOSED
ORDER TO EXTEND DEADLINES
FOR DEFENDANTS SPORTSMAN'S
ROYAL MANOR, LLC AND GARY
BRENNAN TO RESPOND TO FED. R.
CIV. P. 12 MOTIONS FILED BY RSUI
INDEMNITY COMPANY,
EVANSTON INSURANCE
COMPANY, AND KAERCHER
INSURANCE DEFENDANTS [ECF
NOS. 58, 59, 60, 61]**

FIRST REQUEST

1 Defendants/Counter-claimants, Sportsman's Royal Manor, LLC and Gary Brennan
 2 (collectively, "Sportsman's"), by and through their counsel, Armstrong Teasdale LLP,
 3 Plaintiff/Counter-defendant RSUI Indemnity Company ("RSUI"), by and through its counsel,
 4 Christian, Kravitz, Dichter, Johnson & Sluga, PLLC, Plaintiff/Counter-defendant Evanston
 5 Insurance Company ("Evanston"), by and through its counsel, Clyde & Co US LLP, and Counter-
 6 defendants Kaercher Campbell & Associates Insurance Brokerage of Nevada, LLC and Kaercher
 7 Insurance, an Alera Group Agency, LLC (collectively, "Kaercher Insurance"), by and through their
 8 counsel, Lipson Neilson PC, hereby move pursuant to Fed. R. Civ. P. 6 and Local Rule LR IA 6-1,
 9 to extend Sportsman's deadline from January 5, 2021, to January 22, 2021, to respond to the Fed. R.
 10 Civ. P. 12 motions recently filed by RSUI, Evanston, and Kaercher Insurance, including:

- 11 • RSUI's Motion to Dismiss Counts 1,2,3, and 4 of the First Amended Counterclaim
 12 (ECF No. 58), filed December 22, 2020;
- 13 • Kaercher Campbell & Associates Insurance Brokerage of Nevada, LLC and
 14 Kaercher Insurance, an Alera Group Agency, LLC's Motion to Dismiss Counts 6, 7,
 15 and 8 of Sportsman's Royal Manor, LLC and Gary Brennan's First Amended
 16 Counterclaim (ECF No. 59), filed December 22, 2020;
- 17 • Evanston Insurance Company's Motion to Dismiss Count 1 through 4 of the First
 18 Amended Counterclaim and Counterclaimants' Claim for Exemplary and Punitive
 19 Damages (ECF No. 60), filed December 22, 2020; and
- 20 • Evanston Insurance Company's Motion to Strike Counterclaimants' Request for
 21 Exemplary Damages and Punitive Damages (ECF No. 61), filed December 22, 2020

22 (collectively, the "Rule 12 Motions"). This is the first request to extend these particular deadlines.

23 Good cause exists to extend Sportsman's deadlines to respond to the Rule 12 Motions to
 24 January 22, 2021. As a condition to Sportsman's consenting to provide Counter-defendants
 25 additional time up to and including December 22, 2020, to respond to the First Amended
 26 Counterclaim, Sportsman's requested that the Counter-defendants likewise consent to a reciprocal
 27 extension in the event Counter-defendants filed Fed. R. Civ. P. 12 motions in response to the First
 28 Amended Counterclaim. Sportsman's requested this extension because if any Fed. R. Civ. P. 12
 motions were filed on December 22, 2020, the opposition deadlines would fall on January 5, 2021,
 which is shortly after the Christmas and New Year's holidays. Sportsman's counsel will be out-of-

1 office for much of the holidays. In addition, due to the considerable number of pending motions,
2 Sportsman's requires additional time to be able to fully respond. RSUI, Evanston, and Kaercher
3 Insurance agree to the January 22, 2021, opposition deadlines. This request is made in good faith
4 and is not intended to unreasonably delay this matter. In particular, this case was only recently filed
5 and the parties only recently conducted their case conference under Fed. R. Civ. P. 26(f), and the
6 Scheduling Order was entered just this week (ECF No. 56).

7 ///

8 ///

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Based on the foregoing, the parties respectfully request that this Court extend Sportsman's
2 deadlines to respond to the pending Rule 12 Motions to January 22, 2021.

3 Dated this 29th day of December, 2020.

4 **ARMSTRONG TEASDALE LLP**

5 By: /s/ Michelle D. Alarie

6 KEVIN R. STOLWORTHY, ESQ. (NV Bar
#2798)
7 MICHELLE D. ALARIE, ESQ. (NV Bar
#11894)
8 3770 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169

9 *Attorneys for Defendants/Counter-claimants
10 Sportsman's Royal Manor, LLC and Gary
Brennan*

11 **CLYDE & CO US LLP**

12 By: /s/ Peter J. Whalen

13 PETER J. WHALEN, ESQ.
14 JENNIFER D. MCKEE, ESQ. (NV Bar
#9624)
15 3960 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169

16 *Attorneys for Plaintiff/Counter-defendant
17 Evanston Insurance Company*

18 **MATTHEW L. SHARP, LTD.**

19 By: /s/ Matthew L. Sharp

20 MATTHEW L. SHARP, ESQ. (NV Bar
#4746)
21 432 Ridge Street
Reno, Nevada 89509

22 *Attorneys for Defendant Domonique Browning-
23 Palmer*

24 **CHRISTIAN, KRAVITZ, DICHTER,
JOHNSON & SLUGA, PLLC**

25 By: /s/ Gena L. Sluga

26 GENA L. SLUGA, ESQ. (NV Bar #9910)
MARTIN KRAVITZ, ESQ. (NV Bar #83)
TYLER J. WATSON, ESQ. (NV Bar #11735)
8985 Eastern Avenue, Suite 200
Las Vegas, Nevada 89123

27 *Attorneys for Plaintiff/Counter-defendant RSUI
Indemnity Company*

28 **LIPSON NEILSON P.C.**

29 By: /s/ Amanda A. Ebert

30 JOSEPH P. GARIN, ESQ. (NV Bar #6653)
AMANDA A. EBERT, ESQ. (NV Bar
#12731)
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

31 *Attorneys for Counter-defendants Kaercher
32 Campbell & Associates Insurance Brokerage of
Nevada, LLC and Kaercher Insurance, an Alera
Group Agency, LLC*

33 **IT IS SO ORDERED:**



34 **RICHARD F. BOULWARE, II**

35 United States District Judge

36 DATED this 3rd day of January, 2021.